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Feb. 6

Charles B. Place, D. V. M.  
Secretary & Treasurer  
Board of Veterinary Examiners  
50 Horne Street  
Dover, New Hampshire

Dear Sir:

Under date of February 4, 1952 you have inquired whether the Board of Veterinary Examiners has authority to promulgate a rule which would require that an applicant for a license be a citizen of the United States or at least have obtained his first papers. We must answer this question in the negative.

It is true that under the provisions of Revised Laws, chapter 255, section 5, the Board is given wide powers in the making of rules and regulations. However, such rule making power has always been regarded in the law as the authority to "fill up the details" in a statute, that is, more minutely to prescribe procedures and the like entirely consistent with the statute involved.

Such power is not, however, sufficiently broad to permit the Board to prescribe a new requirement in respect to the granting of a license, such requirement being entirely beyond those set forth in the statute. Section 9 through 11 of the chapter under which your Board operates prescribe the basic qualifications which must be met by an applicant. It is not believed that the Board may by rule prescribe yet another qualification, that is, citizenship.

Moreover, Revised Laws chapter 255 itself itself clearly contemplates that licenses may be granted to non-citizens. See in this respect section 14 which provides for reciprocity with other states and provinces. The inclusion of provinces must necessarily indicate that non-citizens are to be deemed eligible applicants. Since this is so, a contrary rule of your Board would be entirely without validity.

Very truly yours,

Warren E. Waters  
Assistant Attorney General

WEW:RM